Resort Village of "XX"
Zoning Bylaw

Resort Village Model

Draft Document

Note: ***This resort village model presents zoning district regulations that may used as a basis for preparing a zoning bylaw for a resort village with any necessary modifications, alterations, or expansion suitable for a particular community. The zoning bylaw would be the principal tool for implementation of a basic planning statement as required by The Planning and Development Act, 1983***

All provisions in this document are meant to be samples that have been common to a number of resort villages. However the statements must each be examined for relevance to a particular resort village and each resort village using this model may wish to add to, delete, or significantly change any statement. The document is intended as a sample guide only. The resort village should have their final bylaw reviewed by a solicitor. It is recommended that a professional planner licensed under The Community Planning Profession Act be employed in the preparation and adoption of a basic planning statement and zoning bylaw.

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1 INTRODUCTION

Under the authority of The Planning and Development Act, 1983, and in conjunction with Bylaw No. ___/200__, the Basic Planning Statement of the Resort Village of "Xx", the Council of the Resort Village of "Xx" in the Province of Saskatchewan, in open meeting, hereby enact as follows:

1.1 TITLE

This Bylaw shall be known and may be cited as the Resort Village of "Xx" Zoning Bylaw.

1.2 SCOPE

Development shall be permitted within the limits of the Resort Village of "Xx" only when in conformity with the provisions of this Bylaw.

1.3 SEVERABILITY

The provisions of this Bylaw are deemed to be severable and, where any provision is adjudged to be invalid or inoperative, it does not render the remaining provisions invalid or inoperative.

2 INTERPRETATION

Accessory Use - A use incidental and subordinate to the principal use or building customarily associated with that use or building, and located on the same lot with such principal use or building.

Act - The Planning and Development Act, 1983.

Administrator - The Administrator of the Resort Village of "Xx".

Building - A structure constructed or placed on, in or over land, but does not include a public highway.

Building Principal - The building, which is used for the principal use of the lot on which the building is situated.

Council - The Council of the Resort Village of "Xx".

Development - The carrying out of any building, engineering, mining or other operations in, on, or over land, or the making of any material change in the use or intensity of use of any building or land.

Development Permit - A document authorizing a development, issued pursuant to this Bylaw.

Discretionary Use or Development - A use or development specified in this Bylaw, which may be allowed following application to, and approval of the Council; and which complies with the development standards, as required by Council, contained in this Bylaw.

Dwelling, Single Detached - A detached building consisting of one dwelling unit as herein defined, and occupied or intended to be occupied as a residence, but shall not include a mobile or modular home as herein defined.

Dwelling Unit - One or more rooms constituting a self-contained unit that may be used as a residence, each unit having provision for sleeping, cooking and access to toilet facilities.

Garage, Private - A building or part of a building used or intended to be used for the storage of motor vehicles for the dwelling unit to which the garage is accessory.

Home Occupation - An occupation, trade, profession or craft conducted entirely within a dwelling unit and carried on by the inhabitants thereof, which use is clearly incidental and secondary to the residential use of the dwelling and does not change the exterior character of the dwelling unit.

Lot - An area of land with fixed boundaries and which is of record in the Land Titles Office by Certificate of Title.

Lot Line, Front - The line that divides the lot from the street. In the case of a corner lot, the front lot line shall mean the line separating the narrowest street frontage of the lot from the street.

Lot Line, Rear - The line at the rear of the lot and opposite the front lot line.

Lot Line, Side - A lot line other than a front or rear lot line.

Mayor - The Mayor of the Resort Village of "Xx".

Minister - The member of the Executive Council to whom, for the time being, the administration of the Act is assigned.

Mobile Home - A trailer coach or modular home that contains a complete dwelling unit.

Modular Home - a factory built home that is manufactured as a whole or modular unit and is designed to be moved on a removable chassis to be used as one dwelling unit, and is certified by the manufacturer that it complies with the Canadian Standards Association Code CSA-A277 standard or revisions thereto.

Non-Conforming Building - A building:

(a) that is lawfully constructed or lawfully under construction, or in respect to which all required permits have been issued, on the date that this Bylaw or any amendment to the Bylaw affecting the building or land on which the building is situated or will be situated, becomes effective, and

(b) that on the date this Bylaw or any amendment hereto becomes effective does not or when constructed will not comply with this Bylaw.

Non-Conforming Use - A lawfully specific use:

(a) being made of land or a building or intended to be made of a building lawfully under construction, or in respect to which all required permits have been issued, on the date this Bylaw or any amendment hereto becomes effective, and

(b) that on the date this Bylaw or any amendment hereto becomes effective does not, or in the case of a building under construction or in respect of which all required permits have been issued, will not comply with this Bylaw.

Permitted Use or Development - Uses allowed as of right in a zoning district, subject to the regulations contained in this Bylaw.

Public Work

(a) systems for the production or distribution of electricity;
(b) systems for the distribution of natural gas or oil;
(c) facilities for the storage, transmission, treatment, distribution or supply of water;
(d) facilities for the collection, treatment, movement or disposal of sanitary sewage; or
(e) telephone or light distribution lines;
that are owned or operated by the Crown or a municipality.

Seasonal campground - a campground or trailer court for the provision of space for trailer coaches and tents as short term living accommodation for daily or weekly rental fees.

Sign - Any device, letters, figures, symbols, emblems, or picture which is affixed to, or represented directly or indirectly upon a building or structure, which identifies or advertises any object, product, place, activity, person, organization or business in such a way as to be visible to the public on any street or thoroughfare.

Street - A public thoroughfare which affords the primary means of access to the abutting property.

Structural Alteration - The alteration of the size or the construction or reconstruction of supporting elements of a building.

Trailer Coach - Any vehicle used or constructed in such a way as to enable it to be used as a conveyance upon public streets or highways and includes a self-propelled or non-self-propelled vehicle designed, constructed or reconstructed in such a manner as to permit the occupancy thereof as a dwelling or sleeping place for one or more persons notwithstanding that its running gear is removed or that it is jacked up.

Village - The Resort Village of "Xx".

Yard - Any part of a lot unoccupied or unobstructed by any building.

Yard, Front - A yard extending across the full width of a lot between the front lot line and the nearest main wall of the principal building or structure on the lot.

Yard, Rear - A yard extending across the full width of the lot between the rear lot line and the nearest main wall of the principal building.

Yard, Required - The minimum yard or yards required by this Bylaw in a part of a lot within which, unless specifically allowed, no building or part of a building shall be located.

Yard, Side - A yard extending from the front yard to the rear yard between the side lot line and the nearest main wall of a building.

3 ADMINISTRATION

3.1 DEVELOPMENT OFFICER

The Administrator of the Resort Village of "Xx", or such other official of the Resort Village of "Xx" designated from time to time by resolution of Council, shall be the Development Officer responsible for the administration of this Bylaw.

3.2 DEVELOPMENT PERMIT

(1) Except as provided in Section 3.2(3), no person shall undertake a development or commence a use unless he obtains a Development Permit for that development or use. A Development Permit is not valid unless it conforms with this Bylaw and the Act.

(2) An application for a Development Permit shall be made in Form A, as adopted or amended by resolution of council.

(3) A Development Permit is not required for the following uses, provided all other provisions and regulations of this Bylaw are complied with.
   (a) the maintenance of a public work;
   (b) the construction of a public work by the Village;
   (c) the installation of public works on any street or other public right-of-way;
   (d) the construction of fences less than 1 metre in height;
   (e) maintenance and repairs that do not include structural alterations;
   (f) accessory buildings under 9 square metres.

(4) If the development authorized by a Development Permit is not commenced within twelve (12) months from the date of its issue, and completed within twenty-four (24) months of its issue, the permit is deemed to be void, unless an extension to this period shall first have been granted.

(5) *Decision*
   (a) Every decision of Council or the Development Officer on an application for a development permit shall be in writing, and a copy shall be sent to the applicant.
   (b) Upon completion of the review of an application for a permitted use or development, the Development Officer shall:
      (i) where the application conforms to all provisions and regulations of this Bylaw, issue a development permit, or;
      (ii) where the application complies with this bylaw and is subject to special regulations, performance standards or development standards specified in this Bylaw, issue a development permit incorporating the special regulations, performance standards or development standards, or;
      (iii) where the application does not comply with a provision or regulation of this Bylaw, issue a refusal stating the reason for the refusal.
   (c) Where an application is made for a discretionary use or development, the Development Officer shall submit the application to Council for review. Upon completion of its review, Council shall pass a resolution directing the Development Officer to:
      (i) issue a development permit incorporating any development standards set forth by Council in accordance with the provisions of this Bylaw; or
      (ii) issue a notice of refusal to the applicant, stating the reasons for the refusal.
   (d) The development officer may submit any application to Council for a decision on the interpretation of the bylaw, or upon special conditions provided for in the bylaw, and shall inform the applicant of this action.

3.3 DEVELOPMENT APPEALS

(1) *Development Appeals Board*
A Development Appeals Board of the Resort Village of "Xx" is appointed in accordance with Sections 71 and 91 to 104 of the Act.

(2) Where an application for a permitted use or development has been refused, the applicant shall be advised of the right of appeal to the Development Appeals Board of the Resort Village of "Xx".

(3) Where an application for a discretionary use or development has been approved with prescribed development standards, the applicant shall be advised of his right to appeal any development standards considered excessive to the Development Appeals Board.

(4) An application for a Development Permit shall be deemed to be refused when a decision therein is not made within forty (40) days after the receipt of the application in its complete and final form by the Development Officer, and an appeal may be made as provided in Section 3.3(2) as though the application had been refused.

3.4 FEES AND ADVERTISING

3.4.1 Amendment of the Zoning Bylaw –

Where a person requests Council to amend the zoning bylaw that person shall pay to the municipality a fee equal to the costs associated with the public advertisement of the proposed amendment.

3.4.2 Advertisement of a discretionary use application.

(1) The Development Officer shall direct the applicant for a discretionary use to advertise the proposed use by posting a notice of the application at the entrance to the property in question and by mailing a copy of the notice to the assessed owner of each property within 25 m of the subject property, for the following:
   (a) any discretionary residence or any discretionary use ancillary to a residence.
   (b) a commercial use in a residential district
(2) In addition to the posting and mailing of the notice specified in clause a) the Development Officer shall publish a notice in a newspaper having circulation in the municipality of an application for any discretionary use other than a use specified in clause a).
(3) The notice shall, describe the use applied for, describe the location of the use, and specify the date, time, and location of the council meeting at which the application will be considered.
(4) The notice shall be posted, mailed, and published at least two weeks prior to the date of the meeting.
(5) The applicant shall pay to the municipality a fee equal to the costs to the municipality associated with the public advertisement.

(Required to include public notice, council may vary the types of notice and the uses to which each type applies.)

3.4.3 Application fees

An applicant for a development permit shall pay an application fee in accordance with the following:

(a) Permitted principal use	- $ 10.00
(b) Permitted accessory use	- $ 0.00
(c) Ancillary use	- $ 10.00
(d) Discretionary principal use	- $ 25.00
(e) Discretionary accessory use	- $ 10.00
(f) Development Appeal Fee - up to	- $ 50.00 as specified by the board.

These fees shall be in addition to any fee required by clauses (1) and (2) above.

(Optional - Council may choose to vary this schedule, or to not collect permit fees)

3.5 OFFENSES AND PENALTIES

Any person who violates this Bylaw is guilty of an offence and liable, on summary conviction, to the penalties set forth in the Act.

4 GENERAL REGULATIONS

4.1 LICENSES, PERMITS AND COMPLIANCE WITH OTHER BYLAWS AND LEGISLATION

Nothing in this Bylaw shall exempt any person from complying with the requirement of any other municipal or provincial regulations or legislation or from obtaining any license, permission, permit, authorization or approval required by such requirements or regulations.

4.2 PROJECTIONS IN YARDS

Where minimum front or rear yards are required in any district, such minimum requirements shall not apply to prevent the construction or location of an open deck or terrace having a maximum projection of 2 metres into the required front or rear yard. Where minimum yards are required in any district, such requirements shall not apply to prevent the construction or location of a chimney or a roof overhang of .5 metres or less into the required yard.

4.3 NON-CONFORMING BUILDINGS AND USES

Non-conforming buildings and uses shall be subject to Section 113 - 118 inclusive of the Act.

4.4 SIGNS AND BILLBOARDS

All signs and billboards shall be subject to the following requirements:

(1) no more than one permanent sign is permitted on any residential lot, and no more than two permanent signs are permitted on any commercial lot the lot;
(2) additional temporary signs bearing notice of sale or lease, sale of produce, or other information relating to a temporary condition affecting the lot are permitted as long as that condition exists on the lot;
(3) no residential or home occupation sign shall have a facial area exceeding 0.4 square metres, and no commercial sign shall have a facial area in excess of 4 square metres;
(4) no sign shall be located in any manner that may obstruct or jeopardize the safety of the public.

4.5 PROTECTION OF TREES AND VEGETATION -

(1) No person shall cut or remove any tree, with a trunk diameter of more than 100 millimetres measured at a height of 1 metre above grade, without having first obtained a development permit pursuant to Section 3.2.
(2) The development officer may issue a development permit which provides for the cutting or removal of trees where:
    (a) the removal is, in his opinion, necessary to provide for access to the site, required off-street parking, or access thereto in conjunction with a permitted use on the site,
    (b) the trees are located within the area of a building for which a development permit has been submitted, or is located on the property and within 2 metres of the proposed building,
    (c) the trees are located on the property within 2 metres of an existing building,
    (d) the trees are, in his opinion, dead, dying, severely diseased, or damaged so as to pose a safety hazard, or

(e) the trees are too close together to allow proper growth, and the removal is for specific tress identified in the permit comprising less than one third of the trees located on the property and regulated under clause (1).

(3) Clause (1) shall not apply to removal of dead trees, to the cutting of trees severely damaged by weather, to the normal pruning and maintenance of trees, or to the maintenace of public spaces by the municipality.

(4) No person shall clear more than 500 square metres of land of natural bush, shrubs, or small trees, on any parcel of land, except as may be required for the development of streets in an approved subdivision, or except as specifically provided for in an approved development permit. In any development permit, council may apply special conditions limiting the area of land cleared of natural bush, small trees, or shrubs.

5 ZONING DISTRICTS AND ZONING MAPS

5.1 ZONING DISTRICTS

For the purpose of this Bylaw, the Resort Village of "Xx" is divided into the following zoning districts, the boundaries of which are shown on the "Zoning District Map". Such districts may be referred to by the appropriate symbols.

Districts	Symbols
Residential	R
Commercial	C
Future Development	FD

5.2 THE ZONING DISTRICT MAP

The map, bearing the statement, "This is the Zoning District Map referred to in Bylaw No. ___/200__", adopted by the Resort Village of "Xx" signed by the Mayor and the Administrator under the seal of the Resort Village, shall be known as the "Zoning District Map", and such map is hereby declared to be an integral part of this Bylaw.

6 DISTRICT SCHEDULES

The following are the schedules of uses and regulations pertaining to the various zoning districts under this Bylaw:

6.1 R - RESIDENTIAL DISTRICT

6.1.1 Permitted Uses

The following uses are permitted in the Rl-Residential District:

(1) single detached dwellings
(2) municipal offices and facilities
(3) public parks, playgrounds, and day use picnic areas
(4) public works (excluding offices, warehouses, and storage yards).

6.1.2 Discretionary Uses

The following uses are discretionary in the R1-Residential District:

(1) community halls
(2) home occupations
(3) mobile homes
(4) tourist cabins

6.1.3 Accessory Uses

Buildings, structures or uses secondary and subordinate to, and located on the same lot with the permitted or discretionary use, shall be considered accessory uses and permitted (excluding industrial and commercial uses).

6.1.4 Regulations

All developments shall conform to the following requirements:

(1) Lot Regulations - The regulations in Table 1 shall apply.
(2) Accessory Buildings and Structures
    (a) The site regulations in Table 1 shall apply.
    (b) The total area of all accessory buildings shall not exceed the area of the principal building.
    (c) Pit privies are prohibited.
    (d) Fences are permitted on any lot line or in any yard provided they are not more than 1 metre in height.
(3) Height of Buildings
    No building or structure shall exceed two stories or 10 metres in height above grade. Height shall mean the vertical elevation from grade level to the highest point on the roof, exclusive of any chimney.
(4) Parking
    (a) A minimum of 1 parking space shall be provided and maintained on each lot for each dwelling unit.
    (b) A parking space shall be a minimum of 2.5 metres by 6 metres.
    (c) Parking spaces may be enclosed and may be in tandem.
(5) Trailer Coaches
    (a) One trailer coach that is not a mobile home and is used from time to time for a period not exceeding 30 consecutive days for temporary sleeping accommodation of guests of a single detached dwelling shall be permitted on the same lot.
    (b) Trailer coaches shall not be kept for hire.

(c) The facilities and amenities of the dwelling on the lot shall be available at all times for the use of the occupants of the trailer coach.

(6) Storage
   (a) No junked vehicle shall be stored on any lot, outside an enclosed building.
   (b) The storage of any combustible material is prohibited in a required yard for accessory buildings. (Table 1 Line b)

(7) Principal Use
   (a) Only one principal use is permitted on a lot.

6.1.5 Discretionary Use Standards

(1) All discretionary uses shall maintain the residential character of the area as much as possible.

(2) Tourist Cabins
   (a) There shall be a minimumof 200 square metres of site area for each rental unit or other dwelling unit on the site.
   (b) One parking space shall be maintained adjacent to each unit and located on the site.
   (c) No other commercial use shall be permitted on the site as accessory or ancillary to the tourist cabins.
   (d) There shall be a maximum of two dwelling units in any building. Each building shall be located at least 1 metre from any other building on the site.

(3) Home Occupations
   (a) Home occupations shall be located in a dwelling unit, other than a tourist cabin.
   (b) One business sign or notice, not exceeding 1 square metre in facial area, is permitted.
   (c) Other than as provided for in (ii) above, there shall be no exterior display, no exterior storage of material, and no other variation from the residential character of the building.

(4) Mobile Homes
   (a) All mobile homes shall bear C.S.A. standard Z240 approval for mobile home construction or Canadian Standards Association Code CSA-A277 standard for modular homes, or revisions thereto.
   (b) All mobile homes shall be connected to a septic pumpout tank approved for permanent cottage use.
   (c) All mobile homes shall be securely anchored to the ground.
   (d) The regulations in Clause (4) shall apply.

TABLE 1

Use	Min Lot Area (m^2)	Min Lot Frontage (m)	Min Yard Front (m)	Min Yard Rear (m)	Min Yard Side (m)	Max Lot Coverage	Floor Area (m^2)
Single Detached & Mobile Homes	450	15	6	4.5	1.5	35%	50 min
Accessory Building - with lane - laneless (Single Detached)	--	--	1.5 1.5	1.5 4.5	1.5 1.5	--	60 max (total)
Commercial uses except motels and tourist cabins	450	15	6	4.5	1.5	35%	--
Motels and tourist cabins	900	30	6	4.5	1.5	35%	--
Parks, Playgrounds, Marinas, Community Centres, Public Works, and Municipal Buildings and Facilities	NO REQUIREMENTS						

6.2 C-COMMERCIAL DISTRICT

6.2.1 Permitted Uses

The following are permitted uses in the Commercial District:

(1) community halls and municipal offices
(2) motels and tourist cabins
(3) restaurants
(4) confectioneries
(5) bait and tackle shops
(6) boat rental and service shops
(7) parks and playgrounds, day use picnic areas, and sports fields
(8) public works (excluding warehouses and storage yards).

6.2.2 Discretionary Uses

The following are discretionary uses in the C-Commercial District:

(1) docks, boat launch facilities, and marinas with or without motor fuel sales.
(2) single detached dwellings accessory to a commercial use
(3) seasonal campgrounds

6.2.3 Accessory Uses:

(1) buildings, structures or uses secondary and subordinate to, and located on the same lot with the principal building, except single detached dwellings, are permitted

6.2.4 Regulations

(1) the regulations in Table 1 shall apply.
(2) any portion of a commercial use used for a seasonal campground shall not permit a trailer coach to be harboured there on while unoccupied as sleeping accommodation, for more than 3 days.

6.3 FD-FUTURE DEVELOPMENT DISTRICT

6.3.1 Permitted Uses

The following are permitted uses in the FD-Future Development District:

(1) recreation trails
(2) field crop farmland, not including the harbouring of livestock or accessory dwellings
(3) natural parks
(4) public works excluding sewage lagoons and land fills
(5) municipal facilities

6.3.2 Discretionary Uses

The following uses are discretionary uses in the FD-Future Development District:

(1) land fills
(2) sports fields and golf courses
(3) seasonal campgrounds
(4) sewage lagoons not including septic fields and sewage mounds

6.3.3 Regulations

Development shall conform to the following requirements:

(1) Sewage lagoons and landfills shall be screened from public roadways and residential lots except as is necessary for access to the facility
(2) There shall be no clearing of hazard lands, and no clearing of other lands without a development permit issued for a specific permitted or discretionary use.
(3) There shall be not less than 1 hectare within the boundaries of any seasonal campground. For other uses there are no specific lot requirements.
(4) Only cleared vacant land may be used for field crop farming. Bush and forest land shall not be cleared for farm uses.
(5) *Seasonal Campgrounds*
    (a) The operator of a trailer court shall provide the development officer with a plan of the trailer court, identifying any buildings, uses of land and the location of all roadways and trailer coach sites with dimensions. The addition or rearrangement of sites, the construction or moving of buildings, the material change in use of portions of land, or the filling or clearing of land shall require a development permit, and the operator shall submit for approval an amended plan incorporating the development.
    (b) A seasonal campground shall have within its boundaries a buffer area abutting the boundary of not less than 4.5 metres, which shall contain no buildings.
    (c) The operator of a trailer court shall designate a site for each trailer coach and each dwelling or campsite permitted on the court.
    (d) Each site shall have a minimum area of not less than 150 square metres, unless the site is restricted to tents only where the minimum area shall be 60 square metres, and shall have its corners clearly marked upon the ground.
    (e) No portion of any site shall be located within a roadway or required buffer area.
    (f) Each site shall have direct and convenient access to a developed roadway, which is not located in any required buffer area.
    (g) Each trailer coach shall be located at least 4.5 metres from any other trailer coach, and each site shall have dimensions sufficient to allow such location of trailer coaches.
    (h) The operator may designate an area for the harbouring of mobile homes on a year to year lease. The minimum dimensions of each site within the area shall provide a site of not less than 400 square metres for each mobile home.
    (i) The space provided for roadways within a seasonal campground shall be at least 7.5 meters in width, or 15 metres in width where the roadway is located between mobile home sites. No portion of any site, other use or structure shall be located in any roadway within the seasonal campground.

(j) A seasonal campground may include an accessory laundromat and confectionery designed to meet the needs of the occupants of the sites.
(k) The Public Health Act, and the Regulations passed thereunder, shall be complied with in respect to all operations and development of the trailer court.

7 EFFECTIVE DATE OF THE BYLAW

This Bylaw shall come into force on the date of final approval by the Minister of Municipal Affairs and Housing.

_____
MAYOR

_____
CLERK

Read a First time this , day of , 200_.

Read a Second time this , day of , 200_.

Read a Third time and adopted this , day of , 200_.